

This should not be a Democratic or Republican issue. In fact, there are Democrats who disagree with my position. There are some Democrats who believe we ought to continue to send more military aid and potentially more troops to Iraq, and there are Republicans who agree with me that we ought not to. So this is a bipartisan concern.

□ 1430

I will close by simply saying to the Speaker of the House: Give us a vote. Let us debate this issue.

To my fellow Members of Congress on both sides of the aisle: Live up to your constitutional responsibility. Demand a vote.

I yield back the balance of my time.

#### PROVIDING FOR THE CORRECTION OF THE ENROLLMENT OF H.R. 5021

Mr. CHAFFETZ (during the Special Order of Mr. MCGOVERN). Mr. Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. BRIDENSTINE). Is there objection to the request of the gentleman from Utah?

There was no objection.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 108

*Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 5021) an Act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, and for other purposes, the Clerk of the House of Representatives shall make the following correction: At the end, add the following and conform the table of contents accordingly:*

#### “TITLE III—TREATMENT FOR PAYGO PURPOSES

##### “SEC. 3001. BUDGETARY EFFECTS.

“(a) PAYGO SCORECARD.—The budgetary effects of this Act and the amendments made by this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

“(b) SENATE PAYGO SCORECARD.—The budgetary effects of this Act and the amendments made by this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).”.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### HONORING LOUIS THEODORE GETTERMAN, JR.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Texas (Mr. FLORES) is recognized for 60 minutes as the designee of the majority leader.

Mr. FLORES. Mr. Speaker, on July 1, our Nation lost Louis Theodore

Getterman, Jr., a veteran, a successful businessman, a dedicated philanthropist, and a legend at Baylor University.

Lovingly known by all as Ted Getterman, he was born on October 1, 1924, in Baltimore, Maryland, and later moved to Waco, Texas, to attend Baylor University and to eventually become an active community leader.

Ted Getterman lived his entire life with excellence. At the age of 18, he volunteered for the Army, and served our Nation for 3½ years during World War II. He was on the beach with his fellow soldiers, preparing to invade Japan, when the atomic bomb was dropped, thus ending the war. Upon his return, he attended Baylor University, where he received both his BBA and J.D. degrees.

Ted Getterman was very dedicated to his alma mater, Baylor University. He upheld the university's mission well—to educate men and women for worldwide leadership and service by integrating academic excellence and Christian commitment within a caring community. He was active in various Baylor organizations, and was an honorary member of the Baylor “B” Association. Ted was also awarded with the Baylor Athletic Director's Hall of Honor Achievement Award, the Victory with Integrity Award, and the Baylor Founder's Medal. He was also a fellow in the Golden Bear Circle. He was even recognized as a Distinguished Alumnus by the Baylor Hankamer School of Business. The Baylor softball field was even named in his family's honor—Getterman Stadium.

In addition to his love for his university, Ted Getterman was also successful and active as a businessman. He was a partner of the Seven-Up Bottling Company, which owned franchises in 29 Texas counties and bottling plants in the Texas cities of Waco, Bryan, and Austin. Ted also served in the leadership of various business organizations, including having been the chairman of his chapter of the Texas Manufacturers Association and the president of the State Bottlers Association.

As an active community leader, Ted Getterman served on the Waco City Council, and was the mayor of Waco for two terms. He also served tirelessly on various boards and organizations, including the Waco Chamber of Commerce, the Rotary Club of Waco, the Hillcrest Baptist Medical Center, the Salvation Army, the Family Counseling and Children's Services, the Baylor Stadium Corporation, the Bear Club, the Baylor Development Council, the Ridgewood Country Club, and the McDonald Observatory of Texas. In fact, Ted was named the Philanthropist of the Year by the Central Texas Chapter of Fund-Raising Executives.

Ted Getterman was a hardworking man who also enjoyed his leisure time with family, friends, and his rescue dog, Noodle. He enjoyed traveling, golfing, and working out at the Ted and Sue Getterman Wellness Center. He

was a faithful husband to his loving wife, Sue; a mentoring father to his sons, “T” and Holt; and an inspiration to his numerous grandchildren and great grandchildren.

When I was growing up, my dad used to always tell me the same thing each day. Those words were: “Go make a hand.” In other words, he was telling me to add value, to make the world a better place. I think all of us in the 17th Congressional District of Texas can unanimously say without reservation that Ted Getterman made a hand.

Before I close, I ask that all Americans continue to pray for our country, for our military men and women, and for our first responders, who serve selflessly to keep us safe and free.

My thoughts and prayers are with the family and friends of Ted Getterman's. He will be forever remembered as selfless, hardworking, and devoted man of God. He left a legacy of love, dignity, grace, and philanthropy. God bless his family and our community as we mourn his passing.

Mr. Speaker, I yield back the balance of my time.

#### SEPARATION OF POWERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Georgia (Mr. WOODALL) is recognized for 55 minutes as the designee of the majority leader.

Mr. WOODALL. Mr. Speaker, I have a festival of charts with me, not because they are pretty, not because they are attractive, but because I have something very important I want to talk about today, and I just can't do it without the direct quotes. I want to talk about the separation of powers.

If you will remember the conversation that the gentleman from Massachusetts had—he was down here on the floor with the gentleman from North Carolina—they were talking about constitutional powers. They were talking about what we need to do in this body to fulfill our constitutional powers. It is hard. I don't envy them at all, Mr. Speaker. I come down here, and folks at home always ask about this time at the end of the day.

They say, What goes on in that time?

I say, Well, they yield time for long periods, about an hour at a time. They will yield Members time to come down here and debate the issues of their choice, but your job of sitting there as the impartial observer while anybody says “goodness knows what” down here on the House floor is a hard, hard job—a hard job.

I didn't want to come down here today and try to come up with something that was divisive, that would try to get you out of your chair, that would try to bring your gavel down on me. I wanted to come up with something today that would be something that we could agree on as a people.

Now think about that.

I don't know what your understanding is, Mr. Speaker, of who we are

as a people. I was just visiting with some young constituents out in the hallway—ages 6, ages 8, ages 10. What does it mean to be an American? It is a set of ideas. It is a set of values. It is a set of principles. Now, most of those principles, I would argue, are contained in our United States Constitution. It is a pretty simple document. It lays out a vision, a vision that has governed this country well for over 200 years.

Sadly—and I mean, sincerely, I do think it is sad—we have crafted a resolution up in the Rules Committee—and we just had a hearing on it this week—where we are suing the President of the United States over his adherence to the Constitution. Now, I take absolutely no pleasure in that. To be fair, as folks back in their offices know, Mr. Speaker, I am a hardcore Republican from the State of Georgia, but I take no pleasure in suing the President of the United States.

I take no pleasure in it because I represent the article I United States Congress. It is not my power that is in my voting card. It is the power of 650,000 constituents back home in Georgia. It is the people's power that is represented in my voting card. I will tell you that, not just during the time you have been here in Congress, Mr. Speaker, and not just during the 3 years that I have been here in Congress, but for a long period of time, the people's power that is represented here in this institution has been slipping and sliding right down Pennsylvania Avenue, behind me, and accumulating in the United States White House. Administrations, both Republicans and Democrats, have been taking one fiber of freedom—one fiber of power at a time—from the people, taking it from the Congress and amassing it down at 1600 Pennsylvania Avenue.

The reason I say I take no pleasure in the lawsuit, Mr. Speaker, is that I don't want to have to go across the street to the Supreme Court and ask a coequal branch of government—those article III courts—to return to me the people's power that I lost. I should have never lost it to begin with. Now, I wasn't here in Congress when so much of that was going on, Mr. Speaker. You know it has only been 3 years that I have had a voting card, but I feel responsible. Here is what the resolution says:

Resolve: that the Speaker—the Speaker of the House—may initiate or intervene in one or more civil actions on behalf of the U.S. House of Representatives in Federal court.

It is saying that we have experienced institutional harm in article I. In article I in the House, we have experienced institutional harm. It authorizes the Speaker to file suit not on his behalf but on our behalf. He is not the Speaker of the Republicans. He is not the Speaker of the Democrats. He is the Speaker of the whole House. It is to file suit on our behalf, and it is a suit on the implementation of the Affordable Care Act.

I know what you are thinking, Mr. Speaker. If you have not had a chance

to see this resolution, you are thinking, Oh, boy. Here go those Republicans again. They are just filing one more lawsuit to try to stop the implementation of the Affordable Care Act. Not true. Not true. This is a lawsuit to require the implementation of the Affordable Care Act.

I want you to think about that. That is why we are in this constitutional crisis.

I didn't want the Affordable Care Act. I wasn't here at the time. I didn't have a chance to vote for it. I knew I wasn't going to be able to keep my doctor. I knew I wasn't going to be able to keep my insurance policy. I knew that, if we wanted to take care of the needs of the uninsured, there were better ways, but I didn't get a chance to vote. I wasn't here. The Senate passed it. It got jammed through the House. The President signed it. It turns out it didn't quite work the way the President wanted it to.

So what does he do? He started to implement some of it, and decided not to implement other parts of it.

You don't get to do that.

We have an article I Congress. We pass the law. The President gets to sign it or veto it. The courts decide whether or not it is constitutional. Presidents don't get to decide which laws they like, which laws they don't like, which lines they want to implement, which lines they don't. So this is a lawsuit to require the President to follow the law that he signed.

I wish we would repeal the law. It turns out—and it has been said many times by leaders in this country—that the best way to do away with a bad law is to require its aggressive enforcement. I want you to think about that. The best way to end a bad law is to require its strict enforcement because then the people will make that decision.

I don't mean to pick on the President. Again, the President has a hard job. I was with my mom on Mother's Day at church, Mr. Speaker.

Someone came up, and said, Oh, Ms. Woodall, we just love your son. We hope he will think about running for the White House one day.

My mom looked him in the eye, and said, That is a terrible thing to say about my son.

And it is. It is just awful. It is an awful job, and I am glad we have men and women who are willing to pursue it, but it must be pursued, not as an all powerful executive, but as a caretaker of the constitutional responsibilities invested in that position by article II of our Constitution. Not more than 30 days ago the Supreme Court ruled on that.

This is what I want you to understand, Mr. Speaker. I know you followed the Noel Canning decision, but what the Supreme Court said in a case called *Noel Canning v. NLRB* not more than 30 days ago—and just to digress for a moment, Mr. Speaker, you have looked at that Court, haven't you? I

mean, there are some hardcore, rock-ribbed conservatives on that Court, and there are some fringe liberals on that Court, too. I suppose, if I were in the other category, I would say there were fringe conservatives and some rock-ribbed liberals. Yet what I am saying is that they don't agree on much in that Chamber. You see it over and over and over again the decisions that come out of there. It is that five of them believe this and that four of them believe that. It is a divided Court, a divided opinion, but not so when it comes to the United States Constitution in this *Noel Canning* case.

In the *Noel Canning* case, the Court ruled 9-0—the Court ruled unanimously, Mr. Speaker—that the President of the United States exceeded his constitutional authority in making appointments to positions without consulting the United States Senate. The President made appointments to positions that the Constitution requires that the Senate approve, that the Democratic Senate approve. He made those appointments without Senate approval. He said he thought he could do it. He said it was the right thing to do. He said the ends justified the means. The Supreme Court said, 9-0, no, he can't do it. The Constitution doesn't allow it.

But that is not the point, Mr. Speaker.

The point is that that happened 2 years ago. The President made these appointments 2 years ago, and you have not heard one peep out of that United States Senate. This wasn't a lawsuit that the Senate brought to say, Wait a minute, Mr. President. You are stealing the power of the people out from under article I on Capitol Hill. This wasn't a Senate lawsuit. This was a private sector lawsuit. This was just some company out there across America that said, I have been disadvantaged because the Constitution has been breached, and I am seeking relief from the United States Supreme Court. The Senate did not stand up when the President stole their power.

□ 1445

The only way our system of government works, Mr. Speaker, is when we stand up for the people to preserve their power here in this institution.

This is what the Court said, and I just so identify with this. They said the Recess Appointments Clause—that is what we are talking about.

That was where the President said: I am going to make these appointments because the Senate is not in session. The Senate said: yes, I am in session. The President said: no, you are not, you are mistaken, I am going to make these appointments.

Anyway, the Supreme Court said the Recess Appointments Clause is not designed to overcome serious institutional friction. It simply provides a subsidiary method for appointing officials when the Senate is away during a recess.

Here is the money line, Mr. Speaker: "Here, as in other contexts, friction between the branches is an inevitable consequence of our constitutional structure."

I happen to have a copy of the Constitution right here, Mr. Speaker. Friction, the Supreme Court says, is "an inevitable consequence of our constitutional structure." If you don't like friction, you need to rewrite your Constitution because the Constitution creates this friction to create that balance between the article I Congress, the article II executive, the article III courts.

This is not news to the President of the United States, Mr. Speaker. In fact, it is not news to the country at all.

This is George Washington's farewell address. It was 1796, Mr. Speaker, 1796. This is our unwilling President. President Washington didn't want to be our first President. He was drafted to do the job.

Turns out, some of the best Presidents are the ones who don't want the job, but who have it thrust upon them by the circumstances of history.

President Washington says this—farewell address, 1796, he said:

It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another.

President George Washington, having fought that Revolutionary War, having given us the benefit that no other nation on the planet had, of self-governance, having been drafted into service after the Constitutional Convention of 1787 to serve as the first President of the United States—in his parting words, in the final wisdom that he tries to pass on to preserve this fledgling Nation that he pledged his life and his fortune to create, he said, it is important, in the habits of thinking in a free country, that those habits should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres.

I want you to think about that, Mr. Speaker, where we are today, where the Supreme Court is ruling unanimously that this President of the United States has overstepped his constitutional bounds, where the House of Representatives is considering a lawsuit against the President of the United States for even more overreaching of his constitutional authority.

From the very beginning of this Nation, our leaders knew that the Nation's success depended on confining each branch of government to its respective constitutional sphere.

Now, I know what you are thinking, Mr. Speaker. You are thinking that was 1797, things change.

Well, let's take a look and see. Here is a quote from Senator Barack Obama, 2007. Senator Barack Obama, 2007, says

this—he says: I was a constitutional law professor, which means, unlike the current President, I actually respect the Constitution.

That is pretty powerful. Now, in fairness, there were Presidential campaigns beginning then. People sometimes say inflammatory things during campaigns that they later regret saying, but then-Senator Barack Obama said: This current President, George Bush, he doesn't respect the Constitution. Maybe he doesn't understand it; but I, President Obama, said—then-Senator Obama said: I am a constitutional professor. I understand it. I get it, and I respect it.

Not so, says the Supreme Court this summer, 9-0, that the President overstepped his constitutional bounds. I know what you are thinking, Mr. Speaker. You are saying you have been around this town for a short period of time, and you know how people game these quotes. They go out and they pull the most awful quote out, and they pretend that that represents someone's entire body of thought.

Well, I have gone much further. Here, again, Senator Barack Obama, 2007: These last few years, we have seen an unacceptable abuse of power here at home in America.

He said: We have paid a heavy price for having a President whose priority is expanding his own power. The constitution is treated like a nuisance.

I want to think about that, Mr. Speaker, because I want to come back to that.

Then-Senator Barack Obama, observing what happened in the Bush administration, says: We have paid a heavy price for having a President whose priority is expanding his own power. The Constitution is treated like a nuisance.

Now, what I hope the take-home message is, Mr. Speaker, that you will share with your constituents back home, that I certainly share with mine, is we have just had a debate over constitutional responsibility on the floor of the House, where both our Democratic friend from Massachusetts and our Republican friend from North Carolina both agreed that we need to stand up more for our article I powers.

I want to associate myself with the comments of Senator Barack Obama in 2007. Had Republicans done a better job—and, again, I wasn't in Congress at the time. You weren't in Congress at the time, Mr. Speaker—had Republicans done a better job reining in the overreach of then-President Bush, we wouldn't be having so many of these conversations today.

Something very destructive is happening in this country, very destructive, where Republicans prioritize protecting Republicans in the White House more than they prioritize protecting the Constitution, where Democrats prioritize protecting the Democrats in the White House more than they prioritize protecting the Constitution.

I don't know how that happened. We had giants in this institution, Mr.

Speaker, on both sides of the aisle—both sides of the aisle.

Robert Byrd from West Virginia always comes to mind. I couldn't agree with him on many policy issues, but, boy, did I love his affection for the United States of America. Man alive, did I admire his commitment to the Constitution.

The thing of it is, Mr. Speaker, if we don't stand up for it, no one else will. President Obama said he was going to stand up for it. He said we had paid a heavy price under President Bush for treating the Constitution as a nuisance.

Let me go a little more current. President Obama, at a press conference, August 13 of 2013, he is talking about the Affordable Care Act. He is talking about that bill on which the House is getting ready to file a lawsuit.

This is exactly what he said: In a normal political environment—President Obama said—it would have been easier for me to simply call up the Speaker and say, you know what? This is a tweak that doesn't go to the essence of the law.

He is talking about delaying the employer mandate. He is talking about taking that part of the law that says this must happen by this date and deciding it is not going to happen by that date. In fact, it might not happen at all, but it is certainly not going to happen this year.

He says, ordinarily, he would have just called up the Speaker and said, We need to tweak this. He says, Let's make a technical change to the law, would be what he would ordinarily tell the Speaker. He said that would be the normal thing that I would prefer to do, but we are not in a normal atmosphere around here when it comes to ObamaCare.

We had the executive authority to do what we did, and so we did so.

Our President who, as a Senator, recognized the erosion of power from article I, our President who, as a Senator, wanted to rein in what George Bush was doing—in fact, accused George Bush of considering the Constitution a nuisance, our President, when then a Senator, said he was a constitutional law professor, he understood the nuances of the Constitution.

When he became President, Mr. Speaker, he said: you know what? I understand that what is supposed to happen is that I am supposed to go to Capitol Hill, I am supposed to talk to the Speaker, and I am supposed to get the law changed—but these aren't ordinary times. These aren't times like last year or 2 years ago or 10 years ago or 200 years ago. These are special times, and in these special times, I am just going to do it myself from the White House.

Incredibly dangerous, incredibly dangerous—he could be right, he could be 100 percent right about what he wants to do, but the way he wants to do it is 100 percent wrong.

Don't believe me, listen to the Supreme Court, which said, 9-0, unanimously, the President has overstepped his bounds.

Then-Senator Barack Obama, Mr. Speaker: I taught constitutional law for 10 years, I take the Constitution very seriously.

This is 2008. There is a war ongoing. The economy is collapsing, America is in crisis, and this is what then-Senator Barack Obama says: The biggest problems that we are facing right now have to do with George Bush trying to bring more and more power into the executive branch and not go through Congress at all.

I want you to think about that, Mr. Speaker. 2008, in the midst of crisis in this country, a Presidential election year, where candidates are telling the American people who they are, what they believe, and what the American people can count on them to do if elected to office.

Looking at that landscape of crisis in this country, President Obama—then-Senator Obama says: The biggest problem that we are facing right now has to do with George Bush trying to bring more and more power into the executive branch and not go through Congress at all.

Here is the money line, Mr. Speaker: That is what I intend to reverse when I am President of the United States of America.

This body is getting ready to file a lawsuit, unprecedented, against the President of the United States for failure to stay within his constitutional lane.

The lawsuits filed by the private sector are coming back from the Supreme Court, 9-0, that the President has exceeded his constitutional lane. He ran on a platform of Presidents are exceeding their constitutional lanes and it is destroying the country. It is among the biggest problems the Nation faces. He pledges to reform it.

I would argue, Mr. Speaker, in the 40 years that I have been watching the governance of this Nation, I have never seen it any worse, but to be clear, I have seen it bad. I have seen it bad, and I have seen the failure of this House to stop it. I have seen the failure of the Senate to stop it.

There is plenty of blame to go around. I am not interested in who to blame for it, I am interested in how to solve it, because here is the question that I think all the board of directors of America has to answer.

Now, I gesture to this Chamber, Mr. Speaker, as if the board of directors live here. They do not. The board of directors of the United States of America lives at home in Peachtree Corners, Georgia; in Lawrenceville, Georgia; they live in Poughkeepsie; they live in L.A.; they live in New York; they live in Sioux City; they live in New Orleans; they live all across this land.

The board of directors are those people with voter registration cards in their pocket. They are the ones who run this country. They are the ones to whom we are accountable.

The President knows—he knew it when he was in the Senate, he knew

when he began his campaign for office, he knew what George Washington told us in his farewell address, which was only a reverence for the division of powers crafted by the Constitution will allow our country to be strong.

He knew it, he campaigned on it, and the pressures of the job—the pressures of this horrible, horrible job, I will tell you, that is President of the United States, have caused him to lose sight of that constitutional mooring; and we, the board of directors, must bring him back.

Now, we are going to try to do it through a lawsuit here in the U.S. House. The private sector has already done it through multiple lawsuits, through the Supreme Court.

The American people need to do it—not at the ballot box because this President will never seek election again. They need to do it through the court of public opinion.

□ 1500

Getting our goals accomplished is important. How we get those goals accomplished may be even more.

Senator Barack Obama in 2008: One of the most important jobs of the Supreme Court is to guard against the encroachment of the executive branch on the power of the other branches. And I think the Chief Justice has been a little bit too willing and eager to give the administration—then the Bush administration—whether it's mine or George Bush's, more power than I think the Constitution originally intended.

Think about that, Mr. Speaker. Again, this is an election year. This is 2008. The President is running to be the President of the United States. He is being asked about what that separation of powers means. He is being asked whether or not the Constitution matters. He is being asked, how do we continue this great experiment in self-governance that is the United States of America? And he says: One of the most important jobs of the Supreme Court is to guard against the encroachment of the executive branch on the power of the other branches.

Mr. Speaker, I want you to listen to what is coming out of this White House when we talk about this lawsuit the House is considering filing. Is this what you hear? Is what you hear from President Barack Obama in 2014 the same thing you heard from him as candidate-for-President Barack Obama in 2008?

The most important job of the Supreme Court is to guard against the encroachment of the executive branch?

That is all this House is asking the Court to decide.

And we didn't choose a controversial issue, one that we might disagree with the President on, on whether or not it should be implemented. We chose his own health care bill to say: Mr. President, I know you are proud of this health care bill, and so let's do it. Let's implement it. Let's not pick and choose. Let's do the whole thing exactly the way you signed it, exactly

the way the House and Senate passed it. Let's do it that way. You don't get to make those decisions on your own.

The President knew that as a Senator. In fact, he criticizes the Supreme Court. In the same way that today, what I hear coming out of the White House is a criticism of the U.S. House for even going to the Court to try to chasten the President, when he was a Senator, he goes the other direction. He says: I think the Chief Justice has been a little bit too willing and eager to give the administration, whether it's mine or George Bush's, more power than I think the Constitution originally intended.

There is a lot of pressure to get your agenda accomplished. It is not just a Capitol Hill thing. It is not a White House thing. It is a life thing. We have been talking about that since we were kids, Mr. Speaker.

Do the ends justify the means? Does the process matter? I will tell you, if you have a broken process, you are going to end up with a broken product.

We have an opportunity in this Chamber to do exactly what then-Senator Obama asked us to do, which is to stand up for this division of power.

Then-Senator Barack Obama, Mr. Speaker, on May 19, 2008, he says this about the division of power. He does understand it. At least in 2008, he got it. This is what he said. He said: Everybody's got their own role. Congress' job is to pass legislation, and the President can veto it or sign it. But what George Bush has been doing, as a part of his effort to accumulate more power in the Presidency, is he has been saying, Well, I can basically change what Congress passed by attaching a letter that says I don't agree with this part or that part. He says: What President Bush is doing is saying, I am going to choose to interpret it this way or that way.

But then-Senator Barack Obama goes on to say that is not part of the President's power. He says: This is part of the whole theory of George Bush, that he can make up the law as he goes along. Then-Senator Barack Obama says: I disagree with that.

Mr. Speaker, it does not matter whether you are the most liberal Democrat in this country or the most conservative Republican or anybody in between. There is no question that there is picking and choosing going on in the implementation of laws in this country: I am going to enforce this law because I like it; I am going to ignore this law because I don't like it; I am going to change this law because I would like it better if only it had this instead of that.

The lawsuit this institution is proposing is not to settle any kind of policy dispute; it is to settle a process dispute. It is to say, whatever you think about the Affordable Care Act, it passed the Senate; whatever you think about the Affordable Care Act, it passed the House; whatever you think about the Affordable Care Act, it was

signed into law by the President of the United States and upheld by the Supreme Court; so let's enforce it. Let's enforce it. Let's do what it says. If it says these policies should be outlawed, let's outlaw them. You don't get to choose which ones you think should and shouldn't be outlawed. The law, itself, says outlaw them. No policy shall be sold after this date.

If you believe that the protections of the Affordable Care Act—I don't call them protections. They have done more to destroy health insurance in my district than to protect the uninsured in my district. But if you believe those protections are important for America, implement those. Implement those.

You saw the chaos that was caused in the individual market when that one set was implemented. No more deadlines have been implemented since that time.

The President said: You know what? That wasn't quite what I had intended. It wasn't supposed to work out that way. He says: In ordinary times, I would have gone to the U.S. House of Representatives. I would have called the Speaker. I would have said let's work together to change the law. But these are not ordinary times, so I am going to change it myself, as the Executive of the United States.

You won't find those powers in this Constitution, Mr. Speaker. You won't find them here. You will find a long history of Senators and House Members saying: Mr. President, you can't do that; you will find a long history of the Supreme Court saying: You can't do that; and you will find, in the case of this President in particular, because he had decades as a constitutional scholar, you will find speech after speech, you will find quote after quote, you will find article after article that say to the then-President of the United States, George Bush: Stay in your constitutional lane. Obey that simple document that is our United States Constitution. If you want something done, go to the Congress to get it done. Do not do it by yourself in the White House. Don't pick up your pen. Don't pick up your phone. Get in your car and drive down to the United States Congress.

And every single time then-Senator Barack Obama said that, he was right. And there were far too few Republicans in this Chamber, far too few Republicans in the Senate who stood up and agreed with him.

As Republicans, we had a war on our hands. The Nation was in crisis, a national security crisis. Terrorism was on our shores like we had never seen before. And we thought, you know what—and again, I wasn't here then. I can only imagine what was going on in this body. I can only imagine what those with voting cards were thinking. But I imagine they were thinking: I would hate to criticize my own President in these tough times for America. Maybe it would be better if I looked the other

way. Maybe it would be better if I just turned my head just this once, irrespective of what the constitutional guidance requires.

If that was the thought of any man or woman in this Chamber, if that was the thought of any man or woman in the United States Senate, they were 100 percent wrong. I get it. I get how they could feel that way, but they were 100 percent wrong. And if any man or woman in this Chamber or in the United States Senate is thinking today, I must protect my President from the strictures of the Constitution, they are wrong.

The Constitution does not exist to protect the President. The Constitution exists to protect the people. The Constitution is not a document to make sure that government power is preserved. The Constitution is a document to make sure the people's power isn't abrogated. It is not easy.

I hope folks liked to see the gentleman from Massachusetts and the gentleman from North Carolina, gentlemen who disagree on so much about policy in this Chamber, gentlemen from different parts of the country, gentlemen from different parties down here agreeing on the constitutional role of this House when it comes to sending our young men and women into harm's way. They were exactly right.

We have to come together to do this, Mr. Speaker. And if we could come together to do this, a lawsuit wouldn't even be necessary.

Again, we used to have giants. We used to have giants in this institution who put the country first and the party a distant, distant second or third or fourth. We have got to bring those traditions back.

President Barack Obama, August 2013, an incredibly popular President sat for reelection, reelected to a second term by the American people. A constitutional scholar, having forewarned the American people for over a decade about the dangers of too much power involved in the executive branch, having warned the American people about the importance of including Congress, having told the Bush White House how absolute power cannot reside there, must have ideas originating from the U.S. House, says: In a normal political environment, it would have been easier for me to call the Speaker and say, You know what, let's tweak this legislation. That would be the normal thing, and that is what I would prefer to do, but I am not going to do it. We are not in a normal atmosphere around here, he says. I have executive authority, and I used it.

The funny thing about the Constitution, Mr. Speaker, folks always talk about their constitutional rights. They always talk about their constitutional rights. Sometimes the rights they are talking about really are constitutional; sometimes they are not. But the funny thing about this Constitution is it allows the President to do anything he or

she wants to do until somebody stands up and says no.

The powers are in the Congress. The powers are in the courts. The Executive's role is to implement those rules, to implement those laws. But if no one stands up and says no, the largest branch in the country is the executive branch, and they continue to operate unfettered.

We don't have an opportunity to say no. We have an obligation to say no. Not to say no to this President, but to say no to the Office of the President. When these powers slip away, these powers that don't belong to this Chamber but belong to the American people, when they slip away, they are hard to get back.

We didn't have a revolution in this country because the executive wasn't powerful enough. We had a revolution in this country because the executive was all powerful, and we thought there was a better way.

The President, speech after speech, article after article, thought there was a better way. But the power of that office, perhaps the burdens of that office, the responsibility of that office, have brought a 180-degree change in the President's view of the Constitution. We are back to where he identified George Bush as being 8 years ago, where the Constitution is treated as a nuisance.

The Constitution is not a nuisance. The Constitution is the only thing standing between the American people and a complete seizure of their freedoms. This is that document.

I am going to end where I began, Mr. Speaker, with the Noel Canning decision, 9-0. The Supreme Court says President Barack Obama had no constitutional authority to do what he did—no constitutional authority. And what the Court observes is friction between the branches is an inevitable consequence of our constitutional form of government.

□ 1515

We can absolutely do away with the friction. We can absolutely get things done. We can absolutely move all the obstacles out of the way. But that would not be America. That would not be our constitutional form of government.

You cannot eliminate the friction without eliminating the Constitution. There is not a constituent in my district back home that would make that choice. We have to embrace the friction. We have to embrace the battles of ideas that is America, and we have to commit ourselves—even when it is inconvenient—to playing by the rules of the United States Constitution. It has protected our freedoms as a self-governing people for 200 years, and it can do it for another 200 years if we don't lose track of our obligation to protect it today.

Mr. Speaker, thank you for being down here with me today, and with that, I yield back the balance of my time.

### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2244. An act to extend the termination date of the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002, and for other purposes.

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STIVERS (at the request of Mr. CANTOR) for today on account of Ohio Army National Guard duty in Columbus, Ohio.

### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on July 17, 2014, she presented to the President of the United States, for his approval, the following bill:

H.R. 697. To provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

### ADJOURNMENT

Mr. WOODALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, July 18, 2014, at 11 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6476. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Labeling of Pesticide Products and Devices for Export [EPA-HQ-OPP-2009-0607; FRL-9913-18] (RIN: 2070-AJ53) received July 9, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6477. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Regional Haze [EPA-R01-OAR-2009-0919; A-1-FRL-9810-2] received July 9, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6478. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Latham Pool Adjusted Standard [EPA-R05-OAR-2014-0119; FRL-9912-19-Region 5] received July 9, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6479. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Low Emission Vehicle Program [EPA-R03-OAR-2014-0310; FRL-9913-30-Region 3] received July 9, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6480. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Section 110(a)(2) Infrastructure Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standards [EPA-R03-OAR-2013-0649; FRL-9913-41-Region 3] received July 9, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6481. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of Commercial Fuel Oil Sulfur Limits for Combustion Units [EPA-R03-OAR-2013-0241; FRL-9913-26-Region 3] received July 9, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6482. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Minor New Source Review [EPA-R03-OAR-2013-0789; FRL-9913-42-Region 3] received July 9, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6483. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Idaho: Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter and 2008 Ozone National Ambient Air Quality Standards [EPA-R10-OAR-2011-0715; FRL-9913-28-Region 10] received July 9, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6484. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review State Implementation Plan; Flexible Permit Program [EPA-R06-OAR-2013-0542; FRL-9913-48-Region 6] received July 9, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6485. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Implementation Plans for Designated Facilities and Pollutants; Delaware, District of Columbia, and West Virginia; Control of Emissions from Existing Sewage Sludge Incinerator Units [EPA-R03-OAR-2013-0475; FRL-9913-32-Region 3] received July 9, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6486. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan; Placer County Air Pollution Control District and South Coast Air Quality Management District [EPA-R09-OAR-2014-0323; FRL-9913-12-Region 9] received July 9, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6487. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2014-0166; FRL-9910-01] (RIN: 2070-AB27) received July 9, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6488. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Hawaiian Island Commercial Harbors, HI [USCG-2013-0021] (RIN: 1625-AA00) received June 30, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6489. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hudson River Swim for Life; Hudson River, Sleepy Hollow, New York [USCG-2014-0363] (RIN: 1625-AA00) received June 30, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6490. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lady Liberty Sharkfest Swim; Upper New York Bay, Liberty Island, NY [USCG-2014-0117] (RIN: 1625-AA00) received June 30, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6491. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Texas City Channel, Texas City, TX [USCG-2014-0034] (RIN: 1625-AA00) received June 30, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6492. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Execpro Services Fireworks Display, Lake Tahoe, Incline Village, NV [USCG-2014-0402] (RIN: 1625-AA00) received June 30, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6493. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Arts Project Cherry Grove Pride Week Fireworks Display; Great South Bay; Cherry Grove, Fire Island, NY [USCG-2014-0180] (RIN: 1625-AA00) received June 30, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6494. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; July 4th Fireworks Displays within the Captain of the Port Zone, Miami, FL [USCG-2014-0165] (RIN: 1625-AA00) received June 30, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6495. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2013-0368; Directorate Identifier 2012-NM-058-AD; Amendment 39-17851; AD 2014-11-01] (RIN: 2120-AA64) received July 9, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6496. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airplanes Originally Manufactured by Lockheed for the Military as Model P-3A and P3A Airplanes [Docket No.: FAA-2013-1073; Directorate Identifier